

ASSEMBLY BILL

No. 591

Introduced by Assembly Member Dymally

February 21, 2007

An act to amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 591, as introduced, Dymally. Community colleges: part-time temporary faculty employees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee. Existing law provides that service in professional ancillary services, including, but not necessarily limited to, governance, staff development, grant writing, and advising student organizations, by persons employed under these provisions shall not be used for purposes of calculating eligibility for contract or regular status unless otherwise provided for in a collective bargaining agreement applicable to a person employed under this provision.

This bill would instead provide that any person who is employed to teach adult or community college classes for less than 100% of the hours per week considered a full-time assignment for regular employees having comparable duties would be classified as a part-time temporary faculty employee. The bill would require that a temporary faculty employee receive pay and benefits that are equal to those of tenured

and tenure track faculty of comparable qualifications doing comparable work, as determined on a parity basis, as defined.

The bill would require that, if a nontenure track faculty member teaches at least 40% of a full load, that faculty member be eligible for the same health care benefits that are received by tenured and tenure track faculty in that district. The bill would require a district to hire at least 50% of its full-time tenure track faculty from the pool of its qualified temporary faculty employees. The bill would require that, in the event that no bargaining unit represents temporary faculty employees in labor negotiations, the chancellor's office shall enter into, and conclude, negotiations on behalf of temporary faculty employees in the district.

To the extent that the bill would impose additional duties on community college districts with respect to the classification and compensation of academic employees, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 87482.5 of the Education Code is
2 amended to read:
3 87482.5. (a) (1) Notwithstanding any other provision of law,
4 any person who is employed to teach adult or community college
5 classes for ~~not more than 60~~ *less than 100* percent of the hours per
6 week ~~considered that constitute~~ a full-time assignment for regular
7 employees having comparable duties shall be classified as a
8 *part-time* temporary faculty employee, and shall not become a
9 contract employee under Section ~~87604~~ 87605.
10 (2) *As used in this section:*
11 (A) *"Parity basis" means in accordance with a principle of*
12 *equal pay for equal work.*

1 (B) “Part-time” means that the faculty member teaches a
2 number of hours equal to or less than the number of hours per
3 week that constitute a full-time assignment for a tenured or
4 tenure-track faculty member.

5 (C) “Temporary” means that the faculty member’s position is
6 for a limited term, and does not qualify him or her for evaluation
7 for the possible conferral of tenured status.

8 (b) A temporary faculty employee shall receive pay and benefits
9 that are equal to the pay and benefits received by those tenured
10 and tenure track faculty of comparable qualifications doing
11 comparable work, as determined on a parity basis. If a nontenure
12 track faculty member teaches at least 40 percent of a full load,
13 that faculty member shall be eligible for the same health care
14 benefits that are received by tenured and tenure track faculty in
15 that district.

16 ~~(b)~~

17 (c) Service as a substitute on a day-to-day basis by persons
18 employed under this section shall not be used for purposes of
19 calculating eligibility for contract or ~~regular~~ tenured or tenure
20 track status.

21 ~~(e)~~

22 (d) (1) Service in professional ancillary activities by persons
23 employed under this section, including, but not necessarily limited
24 to, governance, staff development, grant writing, and advising
25 student organizations, shall not be used for purposes of calculating
26 eligibility for contract or regular status unless otherwise provided
27 for in a collective bargaining agreement applicable to a person
28 employed under this section.

29 (2) This subdivision may not be construed to affect the
30 requirements of subdivision (d) of Section 84362.

31 (e) The salary goal for temporary faculty employees shall be
32 prorated to the salaries of full-time tenured faculty who have
33 comparable qualifications and do comparable work. A district
34 shall reduce the gap between the salaries of temporary and
35 full-time faculty by 50 percent each academic year until these
36 salaries are on a parity basis.

37 (f) A district shall hire at least 50 percent of its full-time tenure
38 track faculty from the pool of its qualified temporary faculty
39 employees.

1 (g) *While all benefits, load calculations, and hiring may be*
2 *subject to a collective bargaining process that includes exclusive*
3 *representatives of full-time and temporary faculty employees*
4 *serving at the institution, in the event that no bargaining unit*
5 *represents temporary faculty employees, the chancellor's office*
6 *shall enter into, and conclude, negotiations on behalf of temporary*
7 *faculty employees in the district.*

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.